

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

United States of America,

Plaintiff,

Case No. 21-cr-20283

v.

Judith E. Levy

United States District Judge

Ken Kenyatta Wilson,

Mag. Judge David R. Grand

Defendant.

_____/

**ORDER DIRECTING THE GOVERNMENT TO INFORM THE
BUREAU OF PRISONS TO COMPLETE A FORMAL
EVALUATION OF DEFENDANT’S COMPETENCY-RELATED
ABILITIES**

On January 27, 2023, the parties filed a joint status report. (ECF No. 36.) The report indicates that a representative of the Bureau of Prisons (BOP) informed counsel for the government that “BOP psychologists have not completed a formal evaluation of [Defendant Ken Kenyatta] Wilson’s competency-related abilities.” (*Id.* at PageID.270.) The report states that the failure to “complete[] formal evaluations at this time” is “part[ly] because BOP staff view the statutory four-month period as beginning on the date of arrival at the facility – November 10,

2022. As such, BOP staff view Wilson’s restoration period as ending on March 10, 2023.” (*Id.* at PageID.270 n.1.) The parties’ joint status report also states that “[t]o the extent the Court is anticipating or requiring that a formal evaluation be completed prior to March 10, 2023, absent another extension, an order to that effect may be appropriate or helpful.” (*Id.*)

The Court previously stated that

[b]ased on the agreement of the parties that appears in [a] stipulation [dated July 22, 2022], for purposes of this case, the Court treats the initial “reasonable period of time, not to exceed four months” that is referenced in 18 U.S.C. § 4241(d)(1) as beginning to run on February 18, 2022, which is the date the Court issued its order . . . committing . . . Wilson to the custody of the Attorney General.

(ECF No. 32, PageID.256–257 (internal citations omitted).) On July 26, 2022, the Court granted “a four-month extension, . . . committing Wilson to the custody of the Attorney General through October 18, 2022.” (*Id.* at PageID.257.) *See* 18 U.S.C. § 4241(d)(2) (permitting an extension “for an additional reasonable period of time”). On October 13, 2022, the Court granted “the parties’ joint request for a four-month extension, . . . committing Wilson to the custody of the Attorney General through February 18, 2023.” (ECF No. 35, PageID.267.)

In light of the Court's prior orders, the United States is directed to inform the BOP that the Court requires that a formal evaluation of Wilson's competency-related abilities be completed by February 18, 2023.

IT IS SO ORDERED.

Dated: February 2, 2023
Ann Arbor, Michigan

s/Judith E. Levy
JUDITH E. LEVY
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or first-class U.S. mail addresses disclosed on the Notice of Electronic Filing on February 2, 2023.

s/William Barkholz
WILLIAM BARKHOLZ
Case Manager